

February 6, 1992 LB 764, 1036

vote on the Withem amendment. All those in favor please vote aye, opposed nay. Have you all voted on the Withem amendment? Have you all voted? Please record, Mr. Clerk.

CLERK: 25 ayes, 0 nays, Madam President, on adoption of Senator Withem's amendment.

PRESIDENT MOUL: The amendment is adopted.

CLERK: Madam President, Senator Hartnett would move to amend. Senator, AM2782. (Hartnett amendment appears on pages 711-14 of the Legislative Journal.)

PRESIDENT MOUL: Senator Hartnett.

SENATOR HARTNETT: Madam President and members of the body, this was...this is LB 1036, which the Urban Affairs Committee heard, advanced from committee without a dissenting vote. And what it does, it says that an owner has a right to petition SID board of trustees for detachment of his property. The general procedure followed by the trustees is the same as that already found in subdivision A, except that the owner is entitled to detach as a (inaudible) under the statute when an SID board determines a certain condition exists. The first condition is the property to be attached has an area of 25 acres or more, it is attached from the SID and separated from it by a distance of at least 1,000 feet to the nearest point between the two of them, the land to be detached is undeveloped and predominantly devoted to agriculture use, and the land to be attached has no improvement on it from the SID, and receives no current service from the district. The basic premise is that such a piece of property, if it meets the criteria, is not truly part of an SID. It does not share any of the benefits of being part of an SID, and merely serves as a source of additional revenue. The attachment must be guaranteed if the conditions are met. But if the district is indebted by any outstanding warrants or bonds, the detachment cannot take place without the written consent of all holders of such bonds and warrants. It simply is a situation that grew up in Senator Wehrbein's area, and I think it's...it simply gives a person within an SID, not an individual owner, or it has to be detached, and it simply kind of helps clear up the SID language. With that, I'd ask for the support of this amendment.

PRESIDENT MOUL: Thank you, Senator Hartnett. Senator Wehrbein.